

(F) Each infant shall sleep in a crib or a playpen that is free of any soft items, which may include pillows, quilts, heavy blankets, bumpers, and toys.

(G) If a lightweight blanket is used, the blanket shall be tucked along the sides and foot of the mattress. The blanket shall not be placed higher than the infant's chest. The head of the infant shall remain uncovered. Any infant may nap or sleep in sleep clothing, including sleepers and sleep sacks, in place of a lightweight blanket.

(i) When children are awake, they shall not be left unattended in cribs or other confinement for more than 30 minutes.

(j) An adult-size rocking chair shall be provided for each unit of infants.

(k) Children not held for feeding shall have low chairs and tables, infant seats with trays, or high chairs with a wide base and a safety strap.

(l) Either individually labeled towels and washcloths or disposable products shall be provided.

(m) Items that children can place in their mouths shall be washed and sanitized daily and shall be washed and sanitized before being used by another child, if contaminated by saliva or other bodily fluids.

(n) Each licensee shall ensure that at least one staff member who meets one of the following staff requirements is present for each unit of infants and each unit of toddlers:

(1) Option 1: An individual who meets the qualifications of K.A.R. 28-4-429(b) and has at least three months' experience caring for infants and toddlers;

(2) option 2: a licensed L.P.N. or R.N. with three months' experience in pediatrics or in licensed child care centers enrolling infants and toddlers; or

(3) option 3: a child development associate credential in infant and toddler care.

(o) Each licensee shall ensure that the following program requirements are met:

(1) Daily activities shall contribute to the following:

(A) Gross and fine motor development;

(B) visual-motor coordination;

(C) language stimulation; and

(D) social and personal growth.

(2) Infants and toddlers shall spend time outdoors daily unless extreme weather conditions prevail.

(p) Each licensee shall ensure that the following food service requirements are met:

(1) The nitrate content of water for children under one year of age shall not exceed 10 milligrams per liter (10 mg/l) as nitrogen.

(2) Drinking water shall be available to each child at all times when the child is in care.

(3) Infants shall be held when bottle-fed until they can hold their own bottles.

(4) Infants and toddlers shall not be allowed to sleep with bottles in their mouths.

(5) Each bottle that contains prepared formula or breast milk shall be refrigerated with the nipple covered. The bottle shall be labeled with the child's name, the contents, and the date received and shall be used within 24 hours of the date on the label. If a child does not finish a bottle, the contents of the bottle shall be discarded. No formula or breast milk shall be heated in a microwave oven.

(6) Solid foods shall be offered when the program director and the parent or legal guardian of a child determine that the child is ready for solid foods. Opened containers of solid foods shall be labeled with child's name, the contents, and the date opened. Containers shall be covered and refrigerated. The food shall be used within three calendar days of the date opened. Food in previously opened containers shall be reheated only once and shall not be served to another child.

(q) Each licensee shall ensure that the following toilet requirements are met:

(1) Children's clothing shall be changed whenever wet or soiled.

(2) Each child shall have at least two complete changes of clothing.

(3) Handwashing facilities shall be in or adjacent to the diaper-changing area.

(4) A changing table shall be provided for each unit of infants and each unit of toddlers.

(5) Each changing table shall have an impervious, undamaged surface. Each table shall be sturdy and shall be equipped with railings or safety straps.

(6) Changing tables shall be sanitized after each use by washing with a disinfectant solution of ¼ cup of chlorine bleach to one gallon of water or with an appropriate commercial disinfectant.

(7) Wet or soiled washable diapers or training pants shall be stored in a labeled, covered container or plastic bag and shall be returned home with the parent.

(8) Wet or soiled disposable diapers shall be placed in a covered container or plastic bag, which shall be emptied daily.

(9) There shall be one potty chair or child-sized toilet for every five toddlers. When a potty chair is used, the following requirements shall be met:

(A) Potty chairs shall be left in the toilet room.

(B) The wastes shall be disposed of immediately in a flush toilet.

(C) The container shall be sanitized after each use and shall be washed with soap and water daily.

(D) Potty chairs shall not be counted as toilets.

(10) Each individual shall wash that individual's hands after diapering, assisting a child with toileting, or changing a child's wet or soiled clothing.

(11) Changing and toileting procedures shall be posted.

(r) There shall be daily communication between the parent, parents, or legal guardian and the staff about each child's behavior and development. (Authorized by and implementing K.S.A. 2010 Supp. 65-508; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-34, Nov. 19, 1986; amended May 1, 1987; amended Feb. 3, 2012.)

#### Article 35.—RADIATION

**28-35-600. Definitions.** In addition to the terms defined in K.S.A. 48-16a02 and amendments thereto, each of the following terms shall have the meaning assigned in this regulation: (a) "All reasonable times" means normal business hours and other times that radon services are being performed, or at a time convenient for the property owner.

(b) "Mitigation" means any action taken to reduce radon concentrations in the indoor atmosphere or to prevent the entry of radon into the indoor atmosphere. This term shall include application of materials, installation of systems, and any new repair or alteration of a building or design.

(c) "Mitigation system" means any set of devices, controls, or materials installed for reducing radon concentrations in a building.

(d) "Quality assurance and quality control plan" means a plan or design that ensures the authenticity, integrity, reproducibility, and accuracy of radon concentration measurements. Each quality assurance and quality control plan shall include at a minimum procedures for the following:

- (1) Chain of custody;
- (2) calibration of measurement devices in the field;
- (3) checks for background;
- (4) duplicates, blanks, and spikes; and
- (5) representative sampling.

(e) "Radon certification law" means K.S.A. 48-16a01 through 48-16a12, and amendments thereto.

(f) "Radon measurement technician" means an individual certified by the department who performs radon or radon progeny measurements for a radon measurement business or provides professional advice on radon or radon progeny measurements, health risks, radon-related exposure, radon entry routes, or other radon-related activities.

(g) "Radon mitigation technician" means an individual certified by the department who designs or installs radon mitigation systems or who performs and evaluates results of tests to determine appropriate radon mitigation systems. This individual may be employed or contracted by a radon mitigation business.

(h) "Radon progeny" means the short-lived radionuclides formed from the decay of radon-222 or radon-220.

(i) "Radon services" means any activity provided by a person that is subject to the radon certification law. This term shall include radon testing, the analysis of radon, radon testing or mitigation consultation, and radon mitigation.

(j) "Site" means a geographic location comprising leased or owned land, buildings, and other structures where radon services are performed. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03, 48-16a05, 48-16a06, and 48-16a08; effective Feb. 3, 2012.)

**28-35-601. General provisions.** Except as otherwise specifically provided by the radon certification law, K.A.R. 28-35-601 through 28-35-608 shall apply to any person that provides radon services.

(a) Any initial or renewal application to conduct radon services may be denied by the department for any of the following reasons:

- (1) Any false statement in the application;
- (2) revocation of a prior radon services certification in Kansas or another state; or
- (3) violation of any of the requirements of K.A.R. 28-35-601 through 28-35-608 or the radon certification law.

(b) Any certification to conduct radon services may be suspended or revoked or may have requirements or re-

strictions added by the secretary for any of the following reasons:

(1) Any condition revealed by an application, any statement of fact, or any report, record, or inspection that could result in the denial of any application; or

(2) violation of or failure to observe any of the terms and conditions of the certification, any requirement of the radon certification law and K.A.R. 28-35-601 through 28-35-608, or any order of the secretary.

(c) Initial certification and renewal certification shall be valid for 24 months.

(d) Requirements or restrictions that are necessary to ensure compliance with the radon certification law may be specified by the secretary at the time of initial certification or renewal certification or in connection with any radon services inspection.

(e) Failure to comply with all requirements for certification within 60 days of submittal of an application for initial or renewal certification shall void the application.

(f) An exemption to any requirement of K.A.R. 28-35-601 through 28-35-608 may be granted by the secretary if both of the following conditions are met:

(1) A person certified to conduct radon services submits a written request, including justification for the exemption and any supporting data or documentation, to the secretary for review and consideration for approval.

(2) The secretary determines that the exemption is protective of public health, safety, and the environment.

(g) Each person certified under the radon certification law and these regulations shall submit the reports required by K.S.A. 48-16a10, and amendments thereto, and any additional relevant information requested by the department in a format specified by the department.

(h) All records required to be kept by each person certified under the radon certification law and these regulations shall be retained for at least three years.

(i) Each radon measurement technician, radon mitigation technician, radon measurement business, radon mitigation business, and radon measurement laboratory shall allow the department access at all reasonable times to that person's or that person's employer's facilities and files for inspection and examination of records of radon services to determine compliance with the radon certification law and K.A.R. 28-35-601 through 28-35-608.

(j) Upon request by the department, each person certified under K.A.R. 28-35-601 through 28-35-608 or the radon certification law shall submit a list of scheduled measurement or mitigation activities to the department within two business days of receipt of the request. (Authorized by K.S.A. 2010 Supp. 48-16a03 and 48-16a04; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a10; effective Feb. 3, 2012.)

**28-35-602. Fees.** (a) Application fees for 24-month certification:

(1) Radon measurement technician:	
(A) Initial certification .....	\$100.00
(B) Renewal certification .....	\$100.00
(2) Radon mitigation technician:	
(A) Initial certification .....	\$100.00
(B) Renewal certification .....	\$100.00

(continued)

(3) Radon measurement laboratory:

(A) Initial certification ..... \$250.00

(B) Renewal certification ..... \$250.00

(b) Fee for returned check ..... \$50.00

(c) Fee for late certification renewal, for each month or part of a month ..... \$25.00

Each fee specified in this regulation shall be nonrefundable. (Authorized by and implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a04; effective Feb. 3, 2012.)

**28-35-603. Requirements for radon measurement technician.** (a) Each applicant for initial certification as a radon measurement technician shall meet the requirements of K.S.A. 48-16a05, and amendments thereto, and the following additional requirements:

(1) Be at least 18 years of age;

(2) complete and show proof of completion to the department of a radon measurement training course with at least 16 hours of classroom instruction approved by the department pursuant to K.S.A. 48-16a05, and amendments thereto;

(3) pass a closed-book examination on radon measurement approved by the department pursuant to K.S.A. 48-16a05, and amendments thereto, with a score of at least 70 percent; and

(4) provide any additional relevant information requested by the department.

(b) Each radon measurement technician shall meet the following requirements:

(1) Conduct radon measurement activities in accordance with the requirements of the following:

(A) K.S.A. 48-16a05, and amendments thereto;

(B) "protocols for radon and radon decay product measurements in homes," EPA 402-R-92-003, including appendices, published by the environmental protection agency and dated June 1993, which is hereby adopted by reference;

(C) "indoor radon and radon decay product measurement device protocols," EPA 402-R-92-004, published by the environmental protection agency and dated July 1992, which is hereby adopted by reference; and

(D) all applicable municipal, county, state, and federal laws and regulations;

(2) upon request from the department, provide documentation of proficiency including continuing education requirements specified in K.A.R. 28-35-605;

(3) notify the department of any name or address changes within 30 days; and

(4) maintain and adhere to a quality assurance and quality control plan. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a05; effective Feb. 3, 2012.)

**28-35-604. Requirements for radon mitigation technician.** (a) Each applicant for initial certification as a radon mitigation technician shall meet the requirements of K.S.A. 48-16a06, and amendments thereto, and the following additional requirements:

(1) Be at least 18 years of age;

(2) complete and submit proof of completion to the department of a radon mitigation training course with at least 24 hours of classroom instruction that includes active participation in radon mitigation techniques ap-

proved by the department pursuant to K.S.A. 48-16a06, and amendments thereto;

(3) pass a closed-book examination on radon mitigation approved by the department pursuant to K.S.A. 48-16a06, and amendments thereto, with a score of at least 70 percent; and

(4) provide any additional relevant information requested by the department.

(b) Each radon mitigation technician shall meet the following requirements:

(1) Conduct radon mitigation activities in accordance with the requirements of the following:

(A) K.S.A. 48-16a06, and amendments thereto;

(B) "protocols for radon and radon decay product measurements in homes," which is adopted by reference in K.A.R. 28-35-603;

(C) "indoor radon and radon decay product measurement device protocols," which is adopted by reference in K.A.R. 28-35-603;

(D) "radon mitigation standards," EPA 402-R-93-078, including the appendix, published by the environmental protection agency, dated October 1993, and revised April 1994, which is adopted by reference; and

(E) municipal, county, state, and federal laws and regulations;

(2) upon request from the department, provide documentation of proficiency including continuing education requirements specified in K.A.R. 28-35-605; and

(3) notify the department of any name or address changes within 30 days. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a06; effective Feb. 3, 2012.)

**28-35-605. Continuing education.** (a) Before certification renewal, each radon measurement technician shall meet the following continuing education requirements:

(1) Complete and submit proof of completion to the department of at least 16 hours of department-approved continuing education; and

(2) maintain documentation, pursuant to K.A.R. 28-35-601(h), that the continuing education was successfully completed within the prior 24-month certification period.

(b) Before certification renewal, each radon mitigation technician shall meet the following continuing education requirements:

(1) Complete and submit proof of completion to the department of at least 24 hours of department-approved continuing education;

(2) maintain documentation, pursuant to K.A.R. 28-35-601(h), that the continuing education was successfully completed within the prior 24-month certification period.

(c) If a person is certified as both a radon measurement technician and a radon mitigation technician, continuing education credit shall be granted for both certifications if the person completes at least 24 hours of department-approved continuing education credits for radon services during the 24-month period that the certificates are valid.

(d) Continuing education credit shall be accepted only for the completion of each different continuing education training course during a current certification period. Training courses for continuing education credit that are

repeated shall be accepted only for the initial successful completion of the course during a current certification period. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03, 48-16a05, and 48-16a06; effective Feb. 3, 2012.)

**28-35-606. Radon measurement business.** (a) Each radon measurement business shall maintain for inspection a list of the name and credentials of each radon measurement technician employed or retained as a consultant by the radon measurement business.

(b) A radon measurement technician shall be present on-site to directly supervise all measurement activities performed by each radon measurement business.

(c) A radon measurement technician shall perform all testing and consultation about radon or radon progeny measurements, health risks, radon-related exposure, radon entry routes, and other radon-related activities for each radon measurement business. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a07; effective Feb. 3, 2012.)

**28-35-607. Radon mitigation business.** (a) Each radon mitigation business shall maintain for inspection a list of the name and credentials of each radon mitigation technician employed or retained as a consultant by the radon mitigation business.

(b) All radon mitigation activities and consultations about radon or radon progeny measurements, health risks, radon-related exposure, radon entry routes, or other radon-related activities for a radon mitigation business shall be directly supervised or performed on-site by a radon mitigation technician.

(c) Each person subject to K.A.R. 28-35-601 through 28-35-608, when performing radon mitigation, shall comply

with the protocols in the document adopted by reference in K.A.R. 28-35-604(b)(1)(D) regarding the design and construction of mitigation systems. (Authorized by K.S.A. 2010 Supp. 48-16a03; implementing K.S.A. 2010 Supp. 48-16a03 and 48-16a08; effective Feb. 3, 2012.)

**28-35-608. Renewal of certification.** (a) Each certification renewal application for a radon measurement technician, radon mitigation technician, or radon measurement laboratory shall be submitted at least 60 days before expiration of the certificate.

(b) Each applicant for renewal of certification shall meet the following requirements:

(1) Submit a completed application to the department on a form provided by the department;

(2) provide any additional relevant information requested by the department documenting that all applicable continuing education requirements for certification renewal have been completed; and

(3) submit payment to the department for the applicable fee specified in K.A.R. 28-35-602.

(c) An applicant's failure to renew a certification within six months after certification has expired shall require that applicant's compliance with all requirements for initial certification.

(d) Each renewal application submitted after certification has expired shall require the payment of a late fee specified in K.A.R. 28-35-602. (Authorized by and implementing K.S.A. 2010 Supp. 48-16a03; effective Feb. 3, 2012.)

Robert Moser, M.D.  
Secretary of Health  
and Environment

Doc. No. 040142

## INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2010 Supplement of the *Kansas Administrative Regulations*.

### AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-5a	New (T)	V. 30, p. 983
1-9-5a	New	V. 30, p. 1414
1-16-8	Amended	V. 29, p. 676
1-16-15	Amended	V. 29, p. 677
1-16-18	Amended	V. 29, p. 677
1-16-18a	Amended	V. 29, p. 678
1-16-20	Amended	V. 29, p. 680
1-65-1	New	V. 30, p. 44
1-66-1	New	V. 30, p. 44
1-66-2	New	V. 30, p. 45
1-66-3	New	V. 30, p. 45
1-67-1	New	V. 30, p. 45
1-67-2	New	V. 30, p. 45
1-67-3	New	V. 30, p. 45
1-68-1	New	V. 30, p. 45
1-68-2	New	V. 30, p. 46

### AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-3-2	Amended (T)	V. 29, p. 702
3-3-2	Amended	V. 30, p. 9

### AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-1-2	Amended	V. 30, p. 635
4-1-5	Amended	V. 30, p. 635
4-1-6	Revoked	V. 30, p. 636
4-1-8	Revoked	V. 30, p. 636
4-1-9	Amended	V. 30, p. 636
4-1-9a	New	V. 30, p. 636
4-1-9b	New	V. 30, p. 637
4-1-11	Revoked	V. 30, p. 637
4-1-13	Amended	V. 30, p. 637
4-1-14	Amended	V. 30, p. 637
4-1-17	Amended	V. 30, p. 638
4-3-47	Amended (T)	V. 30, p. 25
4-3-47	Amended	V. 30, p. 411
4-3-48	Revoked	V. 30, p. 411
4-3-49	Amended	V. 30, p. 1179
4-3-50	Amended	V. 30, p. 411
4-3-51	Amended	V. 30, p. 1179
4-7-213	Amended	V. 29, p. 1023
4-7-716	Amended	V. 29, p. 1023
4-10-1	Amended	V. 29, p. 254
4-10-1a	New	V. 29, p. 255
4-10-1b	New	V. 29, p. 255
4-10-2a		
through		
4-10-2d	Revoked	V. 29, p. 255
4-10-2e	Amended	V. 29, p. 255
4-10-2f		
through		
4-10-2k	Revoked	V. 29, p. 256

4-10-4	Revoked	V. 29, p. 256
4-10-4a		
through		
4-10-4f	New	V. 29, p. 256-258
4-10-5a	Amended	V. 29, p. 258
4-10-6	Revoked	V. 29, p. 259
4-10-6a	New	V. 29, p. 259
4-10-6b	New	V. 29, p. 259
4-10-7	Amended	V. 29, p. 259
4-10-10	New	V. 29, p. 260
4-10-15	Revoked	V. 29, p. 260
4-10-16	Amended	V. 29, p. 260
4-10-17	Revoked	V. 29, p. 261
4-13-2	Amended	V. 29, p. 69
4-13-3	Amended	V. 29, p. 69
4-13-9	Amended	V. 29, p. 71
4-13-14	Amended	V. 29, p. 71
4-13-16	Amended	V. 29, p. 71
4-13-17	Amended	V. 29, p. 72
4-13-18	Amended	V. 29, p. 72
4-13-20	Amended	V. 29, p. 72
4-13-21	Amended	V. 29, p. 72
4-13-22	Revoked	V. 29, p. 72
4-13-23	Amended	V. 29, p. 72
4-13-24	Amended	V. 29, p. 72
4-13-25	Amended	V. 29, p. 1242
4-13-25b		
through		
4-13-25h	Amended	V. 29, p. 1243-1245
4-13-25i	Revoked	V. 29, p. 1246
4-13-25j	Amended	V. 29, p. 1246
4-13-25k	Amended	V. 29, p. 1246
4-13-25l	Amended	V. 29, p. 1247
4-13-25m	New	V. 29, p. 1247
4-13-30	Amended	V. 29, p. 72
4-13-33	Amended	V. 29, p. 73
4-13-62	Amended	V. 29, p. 73

(continued)